

Perhaps more important, there is no direct evidence to indicate that the contacts made by the DNC and the White House to Interior affected the decision-making process on the Hudson casino proposal in any meaningful way. It is possible to conceive of a situation in which the recipient of a so-called status-check inquiry knows that the inquiry is actually a thinly-veiled or coded message intended to influence a particular position or even to direct a decision without regard to the merits, but the evidence does not support such an inference in this case. Ickes's personal view that it would not have been inappropriate for his office to have informed Interior that the inquiries were being made on behalf of the DNC Chairman – or even that the inquiries were being made on behalf of a contributor – is troubling. Such a communication could, under certain circumstances, constitute evidence of potential illegality, even if the contact were not illegal *per se*.⁷⁶³ But, as we have stated, there is no evidence to show that such an inquiry occurred in connection with the Hudson casino proposal. Indeed, there is little evidence of the content of the White House's communications to Interior on this matter.

To be sure, the evidence suggests that certain key Interior political appointees and staff involved in the Hudson decision-making process knew of the White House's interest, just as they certainly knew of the interest of certain Democratic Senators and Members of Congress. The evidence indicates that they also were aware of the lobbying effort to portray the opponents of the application – several wealthy Indian tribes – as financial supporters of the Democratic Administration, and to portray the applicants – three impoverished tribes – as Republicans or

⁷⁶³The potential impropriety of such communications no doubt was a primary consideration in the development of White House policies requiring prior approval from the White House Counsel's office for contacts by a White House staffer or official with an executive branch department or agency, such as the Interior Department, on adjudicatory matters. For a more detailed discussion of these policies, see Section II.E.4.f., above.